

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH  
BENEFITS FUND; PIRELLI ARMSTRONG  
RETIREE MEDICAL BENEFITS TRUST;  
TEAMSTERS HEALTH & WELFARE FUND OF  
PHILADELPHIA AND VICINITY;  
PHILADELPHIA FEDERATION OF TEACHERS  
HEALTH AND WELFARE FUND; DISTRICT  
COUNCIL 37, AFSCME - HEALTH &  
SECURITY PLAN; JUNE SWAN; MAUREEN  
COWIE and BERNARD GORTER,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri corporation,  
and McKESSON CORPORATION, a Delaware  
corporation,

Defendants.

Civil Action: 1:05-CV-11148-PBS

Judge Patti B. Saris

**JOINT MOTION TO MODIFY THE CASE SCHEDULE FOR LIABILITY EXPERTS AND  
SUMMARY JUDGMENT**

Counsel for plaintiffs and for defendant McKesson Corporation (collectively “the parties”) in the above-captioned action hereby submit this joint motion to amend the schedule with respect to the expert and summary judgment deadlines.

The current Scheduling Order, dated June 7, 2007, set the following schedule:

Plaintiffs’ expert designations and reports due August 31, 2007;

Defendant’s expert designations and reports due September 28, 2007;

Plaintiffs’ experts’ Reply to Defendant’s Expert Reports due October 19, 2007;

Depositions of first Plaintiffs' experts, then Defendant's experts to occur October 23-  
November 20, 2007.

Summary judgment motions due December 20, 2007.

Oppositions to summary judgment due January 18, 2008.

Replies in support of summary judgment due February 7, 2008.

Surreplies on summary judgment due February 21, 2008.

Hearing on Summary Judgment on March 13, 2008 at 2:00 p.m.

Fact discovery in this case closed on July 31, 2007. Although each of the parties believes it has been proceeding diligently, the parties seek modification of the schedule because scheduling conflicts have arisen for an expert (in this instance for McKesson), as a result of professional commitments in other cases and academia, which necessitate a modification to the schedule. The proposed modification will also provide additional time for plaintiffs' expert reports. The parties have conferred and agree on the following proposed schedule:

Plaintiffs' expert designations and reports due September 14, 2007;

Defendant's expert designations and reports due November 5, 2007;

Plaintiffs' rebuttal expert designations and reports due December 10, 2007;

Depositions of first Plaintiffs' experts, then Defendant's experts to occur January 3 through  
January 25, 2008;

Summary judgment motions due February 1, 2008;

Oppositions to summary judgment due February 29, 2008;

Replies in support of summary judgment due March 21, 2008;

Surreplies on summary judgment due April 4, 2008;

Hearing on Summary Judgment on \_\_\_\_\_, 2008 at \_\_\_\_\_.

Dated: August 23, 2007

Respectfully submitted,

On behalf of DEFENDANT MCKESSON  
CORPORATION

By:

/s/ Lori A. Schechter

Lori A. Schechter

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On behalf of PLAINTIFFS

/s/ Steven W. Berman

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on August 23, 2007.

/s/ Lori A. Schechter  
Lori A. Schechter

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**[PROPOSED] SCHEDULING ORDER**

August \_\_\_\_ 2007

The Court's June 7, 2007 Scheduling Order is modified as follows:

1. Plaintiffs' expert designations and reports due September 14, 2007;
2. Defendant's expert designations and reports due November 5, 2007;
3. Plaintiffs' rebuttal expert designations and reports due December 10, 2007;
4. Depositions of first Plaintiffs' experts, then Defendant's experts to occur January 3 through January 25, 2008;
5. Summary judgment motions due February 1, 2008;

6. Oppositions to summary judgment due February 29, 2008;
7. Replies in support of summary judgment due March 21, 2008;
8. Surreplies on summary judgment due April 4, 2008;
9. Hearing on Summary Judgment will be held on \_\_\_\_\_, 2008 at \_\_\_\_\_.

IT IS SO ORDERED.

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Hon. Patti B. Saris  
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on August 23, 2007.

/s/ Lori A. Schechter  
Lori A. Schechter